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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,841	10/13/2000	James R. Lavoie	05954.0063-00000	6663
22852	7590	07/27/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/689,841

Applicant(s)

LAVOIE ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 5/9/05. According to the amendment, claims 1-36 are pending in the application.

The indicated allowable subject matter in claims 1-7, 22, 31-32 and 35-36 in the office action issued on 2/8/05 has been withdrawn due to newly found references of Yacenda (US. 2001/0003100) and Enzminger et al (US 6,358,151). Claims 1-36 are rejected as following:

### ***Claim Objections***

1. Claims 1 and 23 are objected to because of the following informalities:
  - a) In claim 1, line 3, the claimed "the game play" should be corrected to "a game play".
  - b) In claim 23, line 3, the claimed "the patron, a patron identifier identifying a patron" should be corrected to "a patron, a patron identifier identifying the patron".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 8, 10, 22-23, 26-31, 33-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations "before the game play begin", "during the game play", "without the game play" set forth in claims 1, 8, 10, 22-23, 26-31, 33-36 contain new matter. The specification and the claims as originally filed do not contain those features. It is requested applicant direct the examiner attention to the specific lines of the original disclosure where fill support of the claimed limitations may be found.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "the second client terminal" in lines 2 and 3-4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al (US. 5,871,398) in view of Yacenda (US, 2001/0003100) and Enzminger et al (US. 6,358,151).

As per claim 1, 6-10, Schneier discloses a gaming method comprising receiving at a server a purchase request before the game play (col. 5, lines 56-67 and col. 6, lines 1-7); determining and storing the results of the game before the play has begun (col. 9, lines 35-39 and 57-67; and col. 10, lines 1-4). Schneier does not explicitly disclose adjusting an account of the player based on the results of the game before the play has begun, receiving a request from a second terminal to reveal the results of the game and sending the results to the second terminal. However, Yacenda discloses updating the player accounts responsive to the requests for a game and winning results based on the outcomes predetermined before the game has begun (paragraphs 0014 and 0016); and Enzminger discloses sending the results of the game to players according to the players' requests (col. 2, lines 45-53; col. 3, lines 10-20; and

col. 6, lines 57-59). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to adjust the account of the player based on the results of the game in the game of Schneier as taught by Yacenda; and to send the results of the game to a second terminal in the game of Scheiner as taught by Enzminger in order to allow the player to monitor his current account's balance and to allow other players to view the game processed.

As per claim 2, Schneier discloses receiving a purchase amount (col. 9, line 67; and col. 10, lines 1-4).

As per claim 3-4 and 13-14, Schneier discloses including a purchase amount of "m" tickets and a denomination value represented through different price points (col. 17, lines 1-9).

As per claim 5 and 27, Schneier discloses including a plurality of agent terminals located on-site at retailers/merchants (col. 6, lines 5-7).

As per claim 11-12, Schneier discloses a player may communicate messages in response to suitable prompts/menu to purchase wagers/outcomes (col. 10, lines 33-55).

As per claim 15, Schneier discloses that a player account is debited by subtracting purchase amount from an account balance based on a purchase request or prize winning (col.19, lines 1-21 and col.20, lines 40-52).

As per claim 16, since Schneier also discloses tracking player' data relating to the player and store it in a player database (col. 11, lines 51-56), Schneier obviously discloses storing player account data using the player identifier.

As per claim 17-18, Schneier discloses that communications between the AT/HTV terminals and the CMC can be accomplished through various types of interactive communication networks (col. 6, lines 26-27 and lines 32-41).

As per claim 19, Schneier discloses that a player can continue game play until player balance is equal to zero (col. 19, lines 16-21 and col. 20, lines 40-44).

As per claim 20-21, Schneier discloses an authentication data including biometric data such as fingerprints (col. 7, lines 48-67).

As per claim 22-36, refer to discussion in claims 1 and 20-21 above. Further, specifying a specific time to send the results of a game to a terminal would have been both well-known and obvious design choice.


### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

kn  
Date: July 14, 2005



Kim Nguyen  
Primary Examiner  
Art Unit 3713